

Appl. No. : **10/799,529**
Filed : **March 11, 2004**

REMARKS

In response filed on October 26, 2006 to the Restriction Requirement of September 29, 2006, Applicants elected Group I claims and elected *kluveromyces marxianus*, ammonia, high-pressure homogenizer, ethoxylated linear alcohol, and molecular weight range of less than about 30,000 Da in response to an election of species requirement. Applicants later filed a response on January 23, 2006 in response to a Notice of Non-Compliant Amendment mailed on January 18, 2006, in which Applicants withdrew from consideration claim 6, drawn to a non-elected species.

Applicants respectfully submit that the election of the yeast cell species was inadvertently made in error and hereby seek to correct the error by this supplemental response. Applicants respectfully request that the present amendments be entered.

Election of Invention

Applicants hereby elect, without traverse, the invention identified as Group I, including claims 1-21, 29-52, and 56-58, drawn to methods of making mixtures of peptides and surface active agents and accelerating nutrient uptake.

Applicants have canceled claims 22-28 and 53-55 drawn to the non-elected subject matter, without prejudice to, or disclaimer of, the subject matter contained therein. Applicants respectfully submit that the cancellation of these claims is strictly in response to the restriction requirement and that Applicants make no admission as to the patentability of the canceled subject matter. Applicants reserve the right to pursue the cancelled subject matter in a divisional application.

Election of Species

Applicants hereby elect the following species:

In response to the election of species requirement for yeast cells, Applicants hereby elect *saccharomyces cerevisiae*. Applicants respectfully submit that all of the pending claims read on the elected species.

In response to the election of species requirement for the nutrient source, Applicants hereby elect ammonia. Applicants respectfully submit that all of the pending claims read on the elected species.

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In response to the election of species requirement for physical disruption method, Applicants hereby elect high-pressure homogenizer. Applicants respectfully submit that all of the pending claims read on the elected species.

In response to the election of species requirement for a surfactant, Applicants hereby elect ethoxylated linear alcohol. Applicants respectfully submit that all of the pending claims read on the elected species.

In response to the election of species requirement for the retained peptide products, Applicants hereby elect those peptides having a molecular weight of less than about 30,000 daltons. Applicants have withdrawn from consideration claims 48-50, which read on the non-elected species. Applicants respectfully submit that all of the remaining claims read on the elected species.

In response to the election of species requirement for the method of refining, Applicants hereby elect molecular sieve chromatography. Applicants have withdrawn from consideration claim 51, which reads on the non-elected species. Applicants respectfully submit that all of the remaining claims read on the elected species.

Claim 6

Applicants hereby request that claim 6 be reinstated. Applicants respectfully submit that claim 6 now reads on the elected species.

Claims Amendments

Applicants have amended claims 7, 9, 11, 18 to restore them to their original language. Therefore, Applicants respectfully submit that the amendments introduce no new matter.

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CONCLUSION

Applicants have amended claims 7, 9, 11, 18, canceled claims 22-28 and 53-55 drawn to non-elected subject matter, and withdrew from consideration claims 48-51, drawn to non-elected species. Accordingly, claims 1-21, 29-52, and 56-58 remain pending with claims 48-51 being withdrawn.

No fee is believed due with respect to this response. If this is incorrect, please charge any required fees, including any fees for extension of time, to Deposit Account No. 50-1105. Applicants invite the Examiner to call the undersigned if any issue can be resolved through a telephonic discussion.

Respectfully submitted,

Vista IP Law Group, LLP

Dated: February 8, 2007

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